

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI
(Special Original Jurisdiction)



FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7192 OF 2025

Between:

M Balaji Muthusamy, S/o P. Muthusamy Ponnusamy, Aged 38 years,
R/o D.No. 141, Mel Street, Veerichetipalli, Gudiyatham Taluka, Vellore
District, State of Tamil Nadu, 632603.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Prohibition and Excise Department, AP Secretariat, Velagapudi,
Amaravathi, Guntur District, Andhra Pradesh.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home
Department, AP Secretariat, Velgapudi, Amaravathi, Guntur District,
Andhra Pradesh
3. The Superintendent of Police, Chittoor City, Chittoor District.
4. The Station House Officer, Yadamari Police Station, Chittoor District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the respondent no. 4 in not releasing the petitioner vehicle i.e., Motorcycle bearing Registration no. TN 73 AE 1453, Honda Shine Disc, Colour Black, Chassis no. ME4JC855BMG052546, Engine no. JC85EG0254688 seized by the respondent no. 4 in connection with the Crime no. 164 of 2024 dt. 08.11.2024 in Yadamari Police Station, Chittoor District in spite of the petitioner readiness and willingness to comply with the terms and conditions of the respondent no. 4 is illegal, arbitrary, unjust,



malafide and against the violation of Articles 14, 19 (1) (g) and 21 of Constitution of India and consequently direct the respondent no. 4 to release the vehicle i.e.. Motorcycle bearing Registration no. TN 73 AE 1453, Honda Shine Disc, Colour Black Chassis no.ME4JC855BMG052546, Engine no. JC85EG0254688 of the petitioner.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent no. 4 to grant interim custody of the petitioner vehicle i.e.. Motorcycle bearing Registration no. TN 73 AE 1453, Honda Shine Disc, Colour: Black, Chassis no. ME4JC855BMG052546, Engine no. JC85EG0254688 seized by the respondent no. 4 in connection with the Crime no. 164 of 2024 dt. 08.11.2024 in Yadamari Police Station, Chittoor District, pending disposal of the writ petition and pass such

Counsel for the Petitioner: SRI TRIMOORTHY K G

Counsel for the Respondent No.1: GP FOR PROHIBITION & EXCISE

Counsel for the Respondents 2 to 4: GP FOR HOME

The Court made the following order:



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7192/2025

Between:

M Balaji Muthusamy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. TRIMOORTHY K G

Counsel for the Respondent(S):

1. GP FOR PROHIBITION EXCISE

2. GP FOR HOME

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7192/2025ORDER:

The present writ petition is filed under Article 226 of the Constitution of India seeking following relief:

"to issue an appropriate order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent No.4 in not releasing the petitioner vehicle i.e., Motorcycle bearing Registration No.TN 73 AE 1453, Honda Shine Disc, Colour-Black, Chassis No.ME4JC855BMG052546, Engine No.JC85EG0254688 seized by the respondent No.4 in connection with the Crime No.164 of 2024 dated 08.11.2024 in Yadamari Police Station, Chittoor District in spite of the petitioner readiness and willingness to comply with the terms and conditions of the respondent No.4 is illegal, arbitrary, unjust malafide and against the violation of Articles 14, 19 (1) (g) and 21 of Constitution of India and consequently direct the respondent No.4 to release the vehicle i.e., Motorcycle bearing Registration No.TN 73 AE 1453, Honda Shine Disc, Colour-Black, Chassis No.ME4JC855BMG052546, Engine No.JC85EG0254688 of the petitioner and pass such other order or orders...."

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The petitioner herein is the Owner of Vehicle bearing No.TN 73 AE 1453, Honda Shine Disc, Black Colour. The said vehicle was involved in the incident of bootlegging and an F.I.R has been registered on 08.11.2024



bearing F.I.R.No.164 of 2024 on the file of Yadamari Police Station, Chittoor District. Consequently, the Vehicle was also seized which is carrying 38 Manjeera blue premium deluxe whisky 180 ml bottles and 2 Andhra gold fine whisky 180 ml bottles total consisting of 9 liters worth Rs.6,500/- unauthorizedly.

4. The petitioner has filed the present writ petition seeking release of the said Vehicle. He would submit that he will subject himself to any condition imposed by this Court.

5. This court issues the following directions:

- I. The petitioner shall file a personal affidavit before the Registry undertaking to indemnify the cost of the Vehicle as fixed by the Motor Vehicle Inspector on account of any adverse order passed against the petitioner in the future.
- II. The petitioner shall produce the Vehicle in question as and when required in connection with the trial of the offence.
- III. The petitioner shall not put the vehicle in question to any use other than his personal use.
- IV. The petitioner shall not tamper with the Vehicle in any manner and shall maintain the same in good condition.

6. This Court has bestowed its mind on the nature of conditions which are sought to be imposed for the release of the Vehicle. The Vehicle of the Petitioner is only involved in an incident of bootlegging carrying 38 Manjeera

blue premium deluxe whisky 180 ml bottles and 2 Andhra gold fine whisky 180 ml bottles total consisting of 9 liters worth Rs.6,500/- unauthorizedly. In this view of the matter, this Court is of the opinion that imposition of onerous conditions for release of Vehicle is unwarranted in such minor cases of bootlegging. At this stage, it is also to be clarified that this relaxed condition can be given only in cases of bootlegging of minor nature.

7. With the above directions, this Writ Petition is disposed of. After filing the personal affidavit by the petitioner, the Registry is directed to retain the same. Registry is further directed to attach a copy of the Affidavit filed by the petitioner along with the copy of this Order. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

Sd/- P.U.V. BHASKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Principal Secretary, Home Department, State of Andhra Pradesh, AP Secretariat, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
3. The Superintendent of Police, Chittoor City, Chittoor District.
4. The Station House Officer, Yadamari Police Station, Chittoor District.
5. One CC to Sri Trimoorthy K G, Advocate [OPUC]
6. Two CCs to GP for Prohibition & Excise, High Court of Andhra Pradesh. [OUT]
7. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
8. Two CD Copies
(Along with a copy of the affidavit filed by the petitioner)

RAM

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.7192 of 2025



**DISPOSING OF THE WP
WITHOUT COSTS**



INDIA NON JUDICIAL

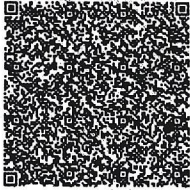


Government of Andhra Pradesh

IN-AP79295305964554X

e-Stamp

Certificate No. : IN-AP79295305964554X
Certificate Issued Date : 02-Apr-2025 07:08 PM
Account Reference : NEWIMPACC (SV)/ ap18231304/ AP-CTR/ AP-CHT/apthobabu
DDO Code : 27002308001 O/o IG R
Unique Doc. Reference : SUBIN-APAP1823130444757971945556X
Purchased by : M BALAJI MUTYHUSAMY SON OF P MUTHUSAMY PONNUSAMY
Description of Document : Article 0 Not Mentioned
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : M BALAJI MUTYHUSAMY SON OF P MUTHUSAMY PONNUSAMY
Second Party : Not Applicable
Paid By (For Whom) : M BALAJI MUTYHUSAMY SON OF P MUTHUSAMY PONNUSAMY
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



T. Balaji
T. BALAJI
LICENCED STAMP VENDOR
L.No: 10-11-002/2015
R.No: 10-11-05 of 2024-2026
CHENNAMMAGUDIPALLI
CHITTOOR Cell : 9959069812

Please write or type below this line

IN THE HIGH COURT OF ANDHRA PRADESH

AT: AMARAVATHI

W.P. No. 7192 of 2025

BETWEEN:

M. Balaji Muthusamy,
S/o P. Muthusamy Ponnusamy, Aged 38 years,
R/o D.no. 141, Mel Street, Veerichetipalli,
Gudiyatham Taluka, Veilore District,
State of Tamil Nadu, 632603.

...Petitioner

And

I. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Prohibition & Excise Department, AP Secretariat,
Velgapudi, Amaravathi,
Guntur District, Andhra Pradesh.

M. Balaji GG 0005002877

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at www.shrestamp.com or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
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3. In case of any discrepancy please inform the Competent Authority

2. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, AP Secretariat,
Velgapudi, Amaravathi,
Guntur District, Andhra Pradesh

3. The Superintendent of Police,
Chittoor City, Chittoor District.

4. The Station House Officer,
Yadamari Police Station,
Chittoor District.

...Respondents

AFFIDAVIT

I, M. Balaji Muthusamy, S/o P. Muthusamy Ponnusamy, Aged 38 years, R/o D.no. 141, Mel Street, Veerichetipalli, Gudiyatham Taluka, Vellore District, State of Tamil Nadu, 632603 having temporarily come down to Guntur, do hereby solemnly affirm and sincerely state as follows:-

1. I am the Petitioner herein as such I am well acquainted with the facts of the case.
2. I humbly submit that, I am the owner of the vehicle i.e., Motorcycle bearing Registration no. TN 73 AE 1453, Honda Shine Disc, Colour: Black, Chassis no. ME4JC855BMG052546, Engine no. JC85EG0254688 and purchased on 25.03.2021 by paying all the taxes imposed by the State of Tamil Nadu. I filed the above writ petition challenging the action of the respondent No. 4 in not releasing the vehicle i.e., Motorcycle bearing Registration no. TN 73 AE 1453, Honda Shine Disc, Colour: Black, Chassis no. ME4JC855BMG052546, Engine no. JC85EG0254688 seized by the respondent no. 4 in connection with the Crime no. 164 of 2024 dt. 08.11.2024 in Yadamari Police Station, Chittoor District in spite of my readiness and willingness to comply with the terms and conditions of the respondent no. 4 by taking third party sureties.
3. I humbly submit that when the matter has come up for admission on 21.03.2025 before the Hon'ble High Court and this Hon'ble Court was pleased

BUPR

M. Balaji

to dispose of the writ petition at admission stage. The Learned AGP for Excise on 21.03.2025 has admitted that the valuation of the motorcycle is Rs. 80,000/- as per the FIR. The Hon'ble High Court was pleased to allow the Writ Petitioner to file an affidavit of undertaking before this Hon'ble Court that he is ready to indemnify as per the final orders of the Competent Authority. Accordingly, the Writ Petitioner herein is filing the present affidavit of undertaking to indemnify the authorities as below.

4. I humbly submit, I shall abide by all the conditions that are imposed by the Hon'ble Court for the release of the motorcycle to me and I shall cause produce the Motorcycle bearing Registration no. **TN 73 AE 1453**, Honda Shine Disc, Colour: Black, Chassis no. ME4JC855BMG052546, Engine no. JC85EG0254688 for or during any enquiry or for before any Court of Law or before any adjudicating authority if required and I will not mortgage, sell or alienate the vehicle pending enquiry and further I also undertake to keep the said vehicle in good condition at all the times and shall not make any modifications or changes to the vehicle and I shall abide by the final orders passed by the competent Court or any Authority and undertake to indemnify the respondents and authorities to the extent of the value of the Car for any breach of undertaking or representation directly or indirectly, arising out of or related to the above vehicle in the above crime or for any breach or violation of any order or any condition imposed by the Hon'ble Court or any covenant or other obligation or duty of the petitioner under applicable law.

I humbly pray, that the Hon'ble Court may be pleased to receive the Affidavit and record my undertaking and the indemnity and direct the respondents to release the above said Motorcycle bearing Registration no. **TN 73 AE 1453** of the petitioner forthwith in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

BVR

M. Bala

Solemnly affirmed and signed in my presence

On this 04th day of April, 2025

M. Balaji
DEPONENT

Bvdr

Before me
Advocate/Amaravathi
CB.V. Ramana Rao
VERIFICATION

M. Balaji Muthusamy, S/o P. Muthusamy Ponnusamy, Aged 38 years, R/o D.no. 141, Mel Street, Veerichetipalli, Gudiyatham Taluka, Vellore District, State of Tamil Nadu, 632603, the petitioner herein, do hereby verify the facts are true and correct to the best of my knowledge and are believed to be true on the advice of my counsel.

cy

Amaravati,

M. Balaji
Deponent

Date: 08-04-2025

~~CHITTOOR DISTRICT~~